

IN RE:
JOSE DANILO MELENDEZ COLON
AMELIA LOZANO ROLON

DEBTOR (S)

CASE NO. 13-03404-ESL

CHAPTER 13

AMENDED TRUSTEE'S UNFAVORABLE REPORT ON PROPOSED PLAN CONFIRMATION UNDER §1325

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$445.00 R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$2,600.00	Fees paid: \$0.00	Fees Outstanding: \$2,600.00
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With respect to the proposed (amended) Plan dated: **April 30, 2013** (Dkt 2). Plan Base: **28,680.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Fails Disposable Income Test : Debtor(s) fails to commit all future earnings / projected disposable income to fund the plan. [§1322(a)(1) & §1325(b)(1)(B)]

Christmas bonuses of both debtors have not been included in Schedule I.

- Fails Disposable Income Test : Unreasonable Expenses; Unwarranted payroll Deductions; Fails to use Income Tax refunds and Others. [§1322(a)(1) & §1325(b)(1)(B)]

Expenses listed in Sch.J for the education of grandson must be eliminated. Explanation provided by debtors at the 341 Meeting of Creditors does not justify the same.

- Adequate Protection Payments [§361 & §363 & §1325(a)(6)]: Fails to state the insurance premium amount to be pay under the plan.

Copy of premium insurance quote has not been provided by debtor. Estimated amount is needed in order to verify sufficiency of the plan.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same .

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this June 21, 2013.

/s/ Jose R. Carrion

JOSE R. CARRION
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